

2681

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PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

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<b>Application Number</b> 09/904,911		
		<b>Filing Date</b> July 16, 2001
		<b>First Named Inventor</b> FM Bay
		<b>Group Art Unit</b> 2681
<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b> 19635.0002	

## ENCLOSURES (check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Statement Claiming Small Entity Status<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><p style="text-align: center;"><b>PTO-1449, 2 references</b></p> |
|---|--|---|

#3  
DW  
11/29/01

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

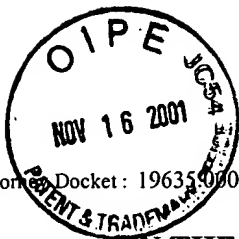
<b>Firm or Individual name</b>	John P. Moran, Reg. No. 30,906 Swidler Berlin Shereff Freidman LLP
<b>Signature</b>	<i>John P. Moran</i>
<b>Date</b>	November 16, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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Attorney Docket: 196350002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

FM Bay

Application No.: 09/904,911

Filed: July 16, 2001

For: System And Method For Individualized Broadcast Frequency

Art Unit: 2681

Examiner:

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**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

For insuring compliance with the applicant's duty of disclosure under 37 CFR § 1.56, the undersigned hereby submits the documents listed on the attached Form PTO-1449 for consideration by the Examiner in charge of the above-identified patent application.

These documents are being submitted (check only one of the next four boxes):

- ☐ within three months of the filing of the above U.S. national application or of the date of entry of the U.S. national stage in an International Patent Application (no fee is due);
- ☒ before receiving a first Office Action on the merits of the above-identified patent application; or before receiving a first Office Action after filing of a Request for Continued Examination (no fee is due);
- ☐ following receipt of a first Office Action, but before issuance of a Final Office Action or a Notice of Allowance (if this box is checked, one of the last three boxes also must be checked);

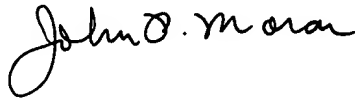
OR

- ☐ following receipt of a Notice of Allowance or a Final Office Action (if this box is checked, the next box and one of the last two boxes also must be checked).

- ☐ The Commissioner is hereby authorized to charge Deposit Account 19-5127, Order No. \_\_\_\_\_ in the amount of \$180.00 for payment of the fee set forth in 37 CFR § 1.17(p).
- ☐ The undersigned certifies that each item of this information is being submitted within three months of the date it was cited by a foreign patent office in a counterpart application.
- ☐ The undersigned certifies that, after making reasonable inquiry, he/she has no knowledge that any item of this information was cited by a foreign patent office in a counterpart application or was known more than three months prior to this submission.

The Commissioner is hereby authorized to charge payment of any deficiency in the above fee(s) or to charge any additional fees required under 37 CFR § 1.16 or 1.17 or credit any overpayment to Deposit Account No. 19-5127, Order No. 19635.0002. A duplicate copy of this authorization is attached for the Finance Branch.

Respectfully submitted,



John P. Moran, Reg. No. 30,906  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007-5116  
202 424-7500

Date: 11-16-2001

## FORM PTO-1449

Attorney Docket:

Application No.:

19635.0002

09/904,911

## INFORMATION DISCLOSURE CITATION

Applicant:

Examiner:

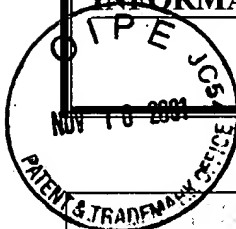
FM Bay

Filing Date:

Group Art Unit:

July 16, 2001

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## U.S. PATENT DOCUMENTS

Examiner Initial	Ref. No	Document Number	Date	Name	Class	Sub-Class	Filing Date
	1	6,144,654	11/07/00	Ibanez-Meier et al.			
	2	6,188,767	02/13/01	Needham et al.			

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## FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub-Class	Translation Yes/No

## OTHER DOCUMENTS (Including Author, Title, Date, etc.)


Examiner

Date Considered

Examiner: Initial if reference consider, whether or not citation is in conformance with MPEP §609.

Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to Application